

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:	James Friskel	Examiner:	Ba Huynh
Serial No.:	10/058,097	Group Art Unit:	2179
Filed:	January 29, 2002	Docket No.:	200400110-1
Title:	SYSTEM AND METHOD FOR DEVELOPING AND PROCESSING A GRAPHICAL USER INTERFACE FOR A COMPUTER APPLICATION		

APPEAL BRIEF UNDER 37 C.F.R. §41.37

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed on January 27, 2009, appealing the final rejection of claims 29-32, 34-44, and 46 of the above-identified application as set forth in the Advisory Action mailed January 8, 2009 and the Final Office Action mailed October 27, 2008.

The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 08-2025 in the amount of \$540.00 for filing a Brief in Support of an Appeal as set forth under 37 C.F.R. §41.20(b)(2). At any time during the pendency of this application, please charge any required fees or credit any overpayment to Deposit Account No. 08-2025.

Appellant respectfully requests consideration and reversal of the Examiner's rejection of pending claims 29-32, 34-44, and 46.

Appeal Brief to the Board of Patent Appeals and Interferences

Appellant: James Friskel

Serial No.: 10/058,097

Filed: January 29, 2002

Docket No.: 200400110-1

Title: SYSTEM AND METHOD FOR DEVELOPING AND PROCESSING A GRAPHICAL USER
INTERFACE FOR A COMPUTER APPLICATION

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REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

The present application was previously appealed, and the Board issued a decision in Appeal Number 2007-1961 (Nov. 14, 2007). The Board affirmed the rejection of claims 4-9, 11, 12, 14, and 24-28. No claims in the previous appeal are pending in the present Appeal. There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present Appeal.

STATUS OF CLAIMS

In an Advisory Action mailed January 8, 2009 and a Final Office Action mailed October 27, 2008, claims 29-32, 34-44, and 46 were finally rejected. Claims 29-32, 34-44, and 46 are pending in the application. Claims 1-28, 33, and 45 had previously been canceled. Claims 29-32, 34-44, and 46 are the subject of the present Appeal.

STATUS OF AMENDMENTS

No amendments have been entered subsequent to the Final Office Action mailed October 27, 2008, which is now referred to in this brief as the Final Office Action.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The Summary is set forth as an exemplary embodiment as the language corresponding to independent claims 29, 35, and 41. Discussions about elements of claims 29, 35, and 41 can be found at least at the cited locations in the specification by their page, paragraph, and line within the paragraph numbers and drawings by their reference numerals.

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Claim 29

Independent claim 29 is directed to a method of creating and modifying a graphical user interface (GUI) using a graphics file 108 and configuration file pair 110 on a user computer (see, page 5, paragraph [0020], lines 3-5). The user computer 130 is connected to a server computer 132 through a computer network (see page 6, paragraph [0022], lines 1-6). The graphics file and configuration file are updated with the server computer (see, page 6, paragraphs [0023] lines 1-4; and page 7, paragraph [0024], line 1).

A graphics engine process executes on the user computer 130 and accesses the graphics file 108 (see, page 5-6, paragraph [0020], lines 12-13). The graphics file 108 includes the full extent and external boundary of the GUI (see, pages 12, paragraph [0043], lines 3-4).

The graphics engine process also accesses the configuration file 110 on the user computer (see, pages 5, paragraph [0020], line 3-5). The configuration file 110 includes header information 300 (page 9, paragraph [0033], lines 1-6), skin points 302 (page 9, paragraph [0033], line 1; and page 10, paragraph [0035], lines 1-3 and 6-10), and activation region definitions 304 (page 9, paragraph [0033], line 2; and page 10, paragraph [0036], lines 7-10). The activation region definitions include definitions associated with importing dynamically linked library (dll) files into a process running on a computer system (see, page 11, paragraph [0040], lines 1-2) and the initiation of a recursive use of respective graphics file and configuration file pairs (see, pages 11, paragraph [0041], lines 1-2).

The graphics engine process modifies data in the graphics file and configuration file pair to effect the creation and modification of the GUI (see, page 6, paragraph [0021], lines 2-5).

Claim 35

Independent claim 35 is directed to a computer readable medium having computer-executable instructions for a user computer 130 is connected to a server computer 132 through a computer network (see page 6, paragraph [0022], lines 1-6).

The instructions cause a graphics engine process to execute on the user computer and retrieve a graphics file on the user computer (see, page 5, paragraph [0020], lines 12-13).

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The graphics file 108 includes the full extent and external boundary of the GUI (see, pages 12, paragraph [0043], lines 3-4).

The graphics engine process also retrieves the configuration file 110 on the user computer (see, pages 5, paragraph [0020], line 3-5). The configuration file 110 includes header information 300 (page 9, paragraph [0033], lines 1-6), skin points 302 (page 9, paragraph [0033], line 1; and page 10, paragraph [0035], lines 1-3 and 6-10), and activation region definitions 304 (page 9, paragraph [0033], line 2; and page 10, paragraph [0036], lines 7-10). The activation region definitions include definitions associated with importing dynamically linked library (dll) files into a process running on a computer system (see, page 11, paragraph [0040], lines 1-2) and the initiation of a recursive use of respective graphics file and configuration file pairs (see, page 11, paragraph [0041], lines 1-2).

The graphics file and configuration file are updated with the server computer (see, page 6, paragraphs [0023] lines 1-4; and page 7, paragraph [0024], line 1). Data in the graphics file and the configuration file are modified to effect the creation and modification of the GUI (see, page 5, paragraph [0020], lines 3-5). The graphics and configuration files are the file pair that effects direction creation and modification of a single GUI (see, page 3, paragraph [0009], lines 1-4; and page 12, paragraph [0042], lines 1-5).

Claim 41

Independent claim 41 is directed to a system. The system includes a memory 104 on a user computer (see, page 5, paragraph [0019], lines 1-2) where the user computer is coupled to a server computer over a computer network (see page 6, paragraph [0022], lines 1-6). The system also includes a processor coupled to the memory (see, page 5, paragraph [0019], lines 1-2), where the processor executes operations of a method for creating and modifying a graphical user interface (GUI) using a graphics file and configuration file pair (see, page 5, paragraph [0020], lines 12-13).

The method includes receiving from the memory, data from the graphics file (see, page 5, paragraph [0020], lines 12-13). The graphics file 108 includes the full extent and external boundary of the GUI (see, pages 12, paragraph [0043], lines 3-4). The method also includes receiving from the memory data from said configuration file (see, pages 5,

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paragraph [0020], line 3-5). The configuration file 110 includes header information 300 (page 9, paragraph [0033], lines 1-6), skin points 302 (page 9, paragraph [0033], line 1; and page 10, paragraph [0035], lines 1-3 and 6-10), and activation region definitions 304 (page 9, paragraph [0033], line 2; and page 10, paragraph [0036], lines 7-10). The activation region definitions include definitions associated with importing dynamically linked library (dll) files into a process running on a computer system (see, page 11, paragraph [0040], lines 1-2) and the initiation of a recursive use of respective graphics file and configuration file pairs (see, page 11, paragraph [0041], lines 1-2). The graphics file and configuration file are updated with the server computer (see, page 6, paragraphs [0023] lines 1-4; and page 7, paragraph [0024], line 1). Data in the graphics file and the configuration file are transformed to effect the creation and modification of the GUI (see, page 5, paragraph [0020], lines 3-5).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 29-32, 34-44, and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Wishoff et al. U.S. Patent Application Publication No. 2002/0070978, further in view of the Ko et al. U.S. Patent No. 6,292,185.

ARGUMENT

I. The Applicable Law

With regard to a 35 U.S.C. § 103 obviousness rejection: “Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case.” M.P.E.P. 2141 (emphasis in the original). The Examiner bears the burden under 35 U.S.C. § 103 in establishing a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074 [5 USPQ2d 1596, 1598] (Fed. Cir. 1988).

One criteria that must be satisfied to establish a *prima facie* case of obviousness is the reference or combined references must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981 [180 USPQ 580] (C.C.P.A. 1974).

However, “[a] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Int’l*

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Co. v. Teleflex, Inc., 127 S. Ct. 1727, 1731 [82 USPQ2d 1385, 1389] (2007). In making an obviousness determination over a combination of prior art references, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” *Id.* at 1738 [1396].

In order to facilitate review of the determination of whether there was an apparent reason to combine known elements in the fashion claimed by the patent at issue, the “analysis should be made explicit.” *Id.* at 1738 [1396]. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 [78 USPQ2d 1329] (Fed. Cir. 2006) (cited with approval in *KSR*, 127 S. Ct. at 1738 [82 USPQ2d at 1396])

The test for obviousness under § 103 must take into consideration the invention as a whole; that is, one must consider the particular problem solved by the combination of elements that define the invention. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143 [227 USPQ 543, 551] (Fed. Cir. 1985). Furthermore, claims must be interpreted in light of the specification, claim language, other claims, and prosecution history. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1568 [1 USPQ2d 1593, 1597] (Fed. Cir. 1987), *cert. denied*, 481 U.S. 1052 (1987). At the same time, a prior patent cited as a § 103 reference must be considered in its entirety, “*i.e.* as a *whole*, including portions that lead away from the invention.” *Id.* That is, the Examiner must recognize and consider not only the similarities, but also the critical differences between the claimed invention and the prior art as one of the factual inquiries pertinent to any obviousness inquiry under 35 U.S.C. § 103. *In re Bond*, 910 F.2d 831, 834 [15 USPQ2d 1566, 1568] (Fed. Cir. 1990) (emphasis added).

Furthermore, the Examiner must avoid hindsight. *Id.* “A fact finder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning.” *KSR*, 127 S. Ct. at 1739 [82 USPQ2d at 1397] (citing to *Graham v. John Deere*, 383 U.S. 1 [148 USPQ 459] (1966) in warning against a temptation to read into the prior art the teachings of the invention at issue and instructing courts to guard against slipping into the use of hindsight).

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“[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious.” *KSR*, 127 S. Ct. at 1737 [82 USPQ2d at 1395] (citing to *United States v. Adams*, 383 U.S. 39, 51-52 [148 USPQ 479] (1966).

In conclusion, an Appellant is entitled to a patent grant if a *prima facie* case of obviousness is not established. The Federal Circuit has endorsed this view in stating: “If examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the Appellant is entitled to grant of the patent.” *In re Oetiker*, 977 F.2d 1443, 1446 [24 USPQ2d 1443, 1448] (Fed. Cir. 1992).

II. Rejection of Claims 29-32, 34-44, and 46 under 35 U.S.C. §103(a) as being unpatentable over the Wishoff et al. U.S. Patent Application Publication No. 2002/0070978, further in view of the Ko et al. U.S. Patent No. 6,292,185

All of the pending claims, i.e., 29-32, 34-44, and 46, were rejected as being unpatentable over the Wishoff et al. U.S. Patent Application Publication No. 2002/0070978 and further in view of the Ko et al. U.S. Patent No. 6,292,185. Claims 29, 35, and 41 are summarized above and are the independent claims in the pending Appeal. Claims 30-32 and 34 depend from claim 29; claims 36-40 depend from claim 35; and claims 42-44 and 46 depend from claim 41. Appellant submits that features of independent claims 29, 35, or 41 are not taught or made obvious in any proposed combination of the Wishoff et al. Publication or the Ko et al. Patent.

A. The Wishoff et al. Publication is Not an Adequate Primary Reference

The Final Office Action sets out on page 2 that the Wishoff et al. Publication teaches “a method and corresponding system for creating and modifying a graphical user interface of a network connected computer using a graphic file (0114) and configuration file (0115) pair” as in the independent claims 29, 35, and 41. In addition, the Final Office Action sets out on page 2 that the method includes “accessing the graphic file (0114), wherein the graphic file comprises the full extent and external boundary of the graphical user interface (each graphic

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object is defined by full extent of screen coordinates 0038)” and “accessing a configuration file (0115, 0121).”

Appellant submits that the Wishoff et al. Publication makes no such distinction between the claimed features of a “graphics file comprises the full extent and external boundary of said graphical user interface” and a “configuration file comprises header information, skin points and activation region definitions.” The Wishoff et al. Publication teaches at paragraph [0115] the “look, layout, and to some extent the behavior of the graphical desktop produced the invention is defined in a configuration file called a ‘skin’.” (see Wishoff, [0115], lines 2-4. But the Wishoff et al. Publication makes no reference to the claimed features of a “graphics file comprises the full extent and external boundary of said graphical user interface” as supposedly cited at paragraphs [0114] and [0038]. Paragraph [0114] teaches “a library of graphical elements” and paragraph [0115] teaches the “skin is parsed by an interface engine, which is in communication with a library of graphical elements, produces the visual display.” The Wishoff et al. paragraph [0038] cited in the Final Office Action does not provide any illumination on this distinction. Instead, this paragraph sets forth the “window will cover the entire screen” (id. at lines 2-3 and 11-13), but does not indicate that the window is part of the graphical elements or the skin file.

Instead of accessing a “graphics file” and a “configuration file” as set forth in claim 29, the Wishoff et al. Publication accesses only the “skin file” for the claimed features of “the full extent and external boundary of said graphical user interface” and “header information, skin points and activation region definition.” Contrary to the assertion in the Final Office Action, the Wishoff et al. Publication does teach the claimed features related to the graphics file and the configuration file.

The distinction between the skin file of the Wishoff et al. Publication and the claimed graphics file and configuration file also relates to the claimed feature of “modifying data in said graphics file and configuration file pair with the graphics engine process to effect the creation and modification of said GUI.” According to the Final Office Action on page 2, these claimed features are found in the Wishoff et al. Publication at paragraph [0123]. More particularly, paragraphs [0123] and [0124] together set forth “Another unique feature of the

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invention is the ability to change the active skin at any time 425. . . . The user may choose to load a new skin, perhaps through a pull-down menu or some other selection feature 425.”

Appellant submits that the teaching of changing skins as cited in the Wishoff et al. Publication paragraph [0123] or elsewhere does not amount to the claimed features of “modifying data in said graphics file and configuration file pair.” The Wishoff et al. Publication does not teach or make obvious anything but selecting a different skin from a set of available skins, thus there is no modifying of data in the files. Further, there is no teaching or suggestion that changing skins involves any particular files, or the modification of more than one file, as required in the claims. Rather, one skilled in the art would read the reference to indicate that changing the skin would involve selecting information included only in the skin file.

Accordingly, Appellant submits that the Wishoff et al. Publication does not teach or make obvious the cited features of the claims and otherwise does not provide an adequate teaching to serve as a primary reference.

B. The Ko et al. Patent Does Not Teach Features Missing from the Wishoff et al. Publication

The Final Office Action sets out on page 3 that “Wishoff’s teaching of OLE, ActiveX, COM (0026) appears to inherently include . . . the initiation of a recursive use of respective graphic files and configuration file pairs.” At issue here is the claim limitation “wherein said activation region definitions comprise definitions associated with importing dynamically linked library (dll) files into a process running on a computer system and the initiation of a recursive use of respective graphics file and configuration file pairs.” The Final Office Action has provided no citation or indication where the Wishoff et al. teaches claimed features, and there is no teaching or suggestion of such a feature. Further, the teachings of a Component Object Model (COM) do not inherently provide the claimed features because “recursive use of respective graphics file and configuration file pairs” as set forth in the claim is not a feature of COM.

The Final Office Action continues with “Even if [the teaching is not inherently found in the Wishoff et al. Publication], implementation of importing DLL files into a process

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running on a computer system and the initiation of a recursive use of the files is disclosed by Ko et al (Ko's 5:22-25, 7:10-17)"(emphasis supplied). The cited portions of the Ko et al. Patent pertain only to the use of dynamically linked library (*.dll) files. (i.e., "the functions of file x2query.dll include managing the version of configuration file config.xml" at Ko, 5:23-25; and "the executable x2client.exe accesses dynamically linked library (*.dll) files . . ." at Ko, 7:14-17).

The Final Office Action incorrectly treats separate features of the claims as if they belonged only to a single feature related only to dll files. The cited portions of the Ko et al. Patent related to dll files have nothing to do with the claimed features of "the initiation of a recursive use of respective graphics file and configuration file pairs." One skilled in the art understands the distinction. (e.g., the specification sets forth "One type of activation region includes the importing of a dynamically linked library (or dll) file into a process running on computer system 100" patent application at page 11, [0040], lines 1-2; and "Another type of activation region . . . initiates the recursive use of additional corresponding graphics and configuration file pairs" patent application at page 11, [0041], lines 1-2.). There is simply no reason to suppose that dynamically linked library files taught in the prior art lead to the claimed "the initiation of a recursive use of respective graphics file and configuration file pairs."

The Ko et al. Patent nowhere teaches the claimed features of "the initiation of a recursive use of respective graphics file and configuration file pairs." This feature is also not found in the Wishoff et al. Publication. Because it is not found in either of the references separately, it cannot be found in any proposed combination of the references. In view of the above, independent claims 29, 35, and 41 are not taught or suggested or made obvious by any proposed combination of the Wishoff et al. Publication and the Ko et al. Patent. Furthermore, dependent claims 30-32 and 34 further define patentably distinct independent claim 29, dependent claims 36-40 further define patentably distinct independent claim 35, and dependent claims 42-44 and 46 further define patentably distinct independent claim 41. Therefore, these dependent claims are also believed to be allowed.

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Accordingly, Appellant submits that the rejection of claims 29-32, 34-44, and 46, as being unpatentable over the Wishoff et al. Publication in view of the Ko et al. Patent be withdrawn and these claims be allowed.

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CONCLUSION

For the above reasons, Appellants respectfully submit that the cited references neither anticipate nor render obvious claims of the pending Application. The pending claims distinguish over the cited references, and therefore, Appellants respectfully submit that the rejections be withdrawn, and respectfully request the Examiner be reversed and claims 29-32, 34-44, and 46 be allowed.

Any inquiry regarding this Response should be directed to either Clare Hartnett at Telephone No. (408)447-0289, Facsimile No. (408) 447-0854 or Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CLAIMS APPENDIX

1-28. (Cancelled)

29. A method of creating and modifying a graphical user interface (GUI) using a graphics file and configuration file pair, comprising:

executing a graphics engine process on a user computer, wherein the user computer is connected to a server computer through a computer network;

accessing said graphics file on the user computer with the graphics engine process, wherein said graphics file comprises the full extent and external boundary of said graphical user interface;

accessing said configuration file on the user computer with the graphics engine process wherein said configuration file comprises header information, skin points and activation region definitions, wherein said activation region definitions comprise definitions associated with importing dynamically linked library (dll) files into a process running on a computer system and the initiation of a recursive use of respective graphics file and configuration file pairs;

updating said graphics file and said configuration file with the server computer; and
modifying data in said graphics file and configuration file pair with the graphics engine process to effect the creation and modification of said GUI.

30. The method of claim 29 wherein an activation region type for said activation region points to a third computer file comprising a plurality of parameters corresponding to a second graphical image, wherein said second graphical image is defined in a fourth computer file.

31. The method of 29 wherein a processing of said graphics file and said configuration file comprises:

defining a polygon corresponding to an external boundary of the graphical image corresponding to said graphics file and configuration file pair, wherein said polygon comprises a non-rectangular irregular shape;

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storing information regarding said polygon in a computer system; and
partitioning said graphical image into transparent and visible color regions using the information regarding said polygon.

32. The method of claim 29 wherein said configuration file is read for processing said graphics file.

33. (Cancelled)

34. The method of claim 29 wherein a state of said GUI is selected from the group consisting of default state, selected state and activated state.

35. A computer readable medium having computer-executable instructions for performing steps, comprising:

executing a graphics engine process on a user computer, wherein the user computer is connected to a server computer through a computer network;

retrieving a graphics file on the user computer with the graphics engine process, wherein said graphics file comprises the full extent and external boundary of said graphical user interface;

retrieving a configuration file on the user computer with the graphics engine process wherein said configuration file comprises header information, skin points and activation region definitions, wherein said activation region definitions comprise definitions associated with importing dynamically linked library (dll) files into a process running on a computer system and the initiation of a recursive use of respective graphics file and configuration file pairs; updating said graphics file and said configuration file with the server computer; and

modifying data in said graphics file and said configuration file to effect the creation and modification of a graphical user interface (GUI) wherein said graphics file and said configuration file constitute a graphics file and configuration file pair that effects the direct creation and modification of a single GUI.

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36. The medium of claim 35 wherein an activation region type for said activation region points to a third computer file comprising a plurality of parameters corresponding to a second graphical image, wherein the second graphical image is defined in a fourth computer file.

37. The medium of 35 wherein a processing of said graphics file and said configuration file comprises:

defining a polygon corresponding to an external boundary of the graphical image corresponding to said graphics file and configuration file pair, wherein said polygon comprises a non-rectangular irregular shape;

storing information regarding said polygon in a computer system; and

partitioning said graphical image into transparent and visible color regions using the information regarding said polygon.

38. The medium of claim 35 wherein said configuration file is read for processing said graphics file.

39. The medium of claim 37 wherein at least one of the group consisting of said graphics file and said configuration file is dynamically updated by a server computer coupled to the computer system.

40. The medium of claim 35 wherein a state of said GUI is selected from the group consisting of default state, selected state and activated state.

41. A system comprising:

a memory on a user computer, wherein the user computer is coupled to a server computer over a computer network; and

a processor coupled to said memory, said processor for executing operations of a method for creating and modifying a graphical user interface (GUI) using a graphics file and configuration file pair comprising:

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receiving from said memory, data from said graphics file, wherein said graphics file comprises the full extent and external boundary of said graphical user interface;

receiving from said memory data from said configuration file which comprises header information, skin points and activation region definitions, wherein said activation region definitions comprise definitions associated with importing dynamically linked library (dll) files into a process running on a computer system and the initiation of a recursive use of respective graphics file and configuration file pairs;

updating said graphics file and said configuration file with the server computer; and

transforming data in said graphics file and configuration file to effect the creation and modification of said GUI.

42. The system of claim 41 wherein an activation region type for said activation region points to a third computer file comprising a plurality of parameters corresponding to a second graphical image, wherein the second graphical image is defined in a fourth computer file.

43. The system of 41 wherein a processing of said graphics file and said configuration file comprises:

defining a polygon corresponding to an external boundary of the graphical image corresponding to said graphics file and configuration file pair, wherein said polygon comprises a non-rectangular irregular shape;

storing information regarding said polygon in a computer system; and

partitioning said graphical image into transparent and visible color regions using the information regarding said polygon.

44. The system of claim 41 wherein said configuration file is read for processing said graphics file.

45. (Cancelled)

Appeal Brief to the Board of Patent Appeals and Interferences

Appellant: James Friskel

Serial No.: 10/058,097

Filed: January 29, 2002

Docket No.: 200400110-1

Title: SYSTEM AND METHOD FOR DEVELOPING AND PROCESSING A GRAPHICAL USER
INTERFACE FOR A COMPUTER APPLICATION

46. The system of claim 41 wherein a state of said GUI is selected from the group consisting of default state, selected state and activated state.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

Appeal No. 2007-1961 attached here.